

**ASSEMBLY BILL**

**No. 2095**

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**Introduced by Assembly Member Brownley**

February 18, 2010

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An act to amend Section 60200 of the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2095, as introduced, Brownley. Instructional materials: English language development.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Among the categories of instructional materials that the board is required to adopt are bilingual or bicultural subjects.

This bill would add English language development instructional materials as an alternative to the bilingual or bicultural subjects in that category of instructional materials that the board is required to adopt for kindergarten and grades 1 to 8, inclusive.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 60200 of the Education Code is amended
- 2     to read:
- 3     60200. The state board shall adopt basic instructional materials
- 4     for use in kindergarten and grades 1 to 8, inclusive, for governing
- 5     boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following categories:

(1) Language arts, including, but not limited to, spelling and reading. However, the state board may not adopt basic instructional materials in this category or the category specified by paragraph (2) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(2) Mathematics. However, the state board may not adopt basic instructional materials in this category or the category specified by paragraph (1) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects *or English language development*.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

(b) The state board shall adopt procedures for the submission of basic instructional materials in order to comply with each of the following:

(1) Instructional materials may be submitted for adoption in any of the subject areas pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) not less than two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) not less than two times every eight years. The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the six- and eight-year submission cycles and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of Section 60204 are consistent with subdivision (c). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) Submitted instructional materials shall be adopted or rejected within six months of the submission date of the materials pursuant to paragraph (1), unless the state board determines that a longer

1 period of time, not to exceed an additional three months, is  
2 necessary due to the estimated volume or complexity of the  
3 materials for that subject in that year, or due to other circumstances  
4 beyond the reasonable control of the state board.

5 (c) In reviewing and adopting or recommending for adoption  
6 submitted basic instructional materials, the state board shall use  
7 the following criteria, and ensure that, in its judgment, the  
8 submitted basic instructional materials meet all of the following  
9 criteria:

10 (1) Are consistent with the criteria and the standards of quality  
11 prescribed in the state board's adopted curriculum framework. In  
12 making this determination, the state board shall consider both the  
13 framework and the submitted instructional materials as a whole.

14 (2) Comply with the requirements of Sections 60040, 60041,  
15 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state  
16 board's guidelines for social content.

17 (3) Are factually accurate and incorporate principles of  
18 instruction reflective of current and confirmed research.

19 (4) Adequately cover the subject area for the grade level or  
20 levels for which they are submitted.

21 (5) Do not contain materials, including illustrations, that provide  
22 unnecessary exposure to a commercial brand name, product, or  
23 corporate or company logo. Materials, including illustrations, that  
24 contain a commercial brand name, product, or corporate or  
25 company logo may not be used unless the board determines that  
26 the use of the commercial brand name, product, or corporate or  
27 company logo is appropriate based on one of the following specific  
28 findings:

29 (A) If text, the use of the commercial brand name, product, or  
30 corporate or company logo in the instructional materials is  
31 necessary for an educational purpose, as defined in the guidelines  
32 or frameworks adopted by the state board.

33 (B) If an illustration, the appearance of a commercial brand  
34 name, product, or corporate or company logo in an illustration in  
35 instructional materials is incidental to the general nature of the  
36 illustration.

37 (6) Meet other criteria as are established by the state board as  
38 being necessary to accomplish the intent of Section 7.5 of Article  
39 IX of the California Constitution and of Section 1 of Chapter 1181  
40 of the Statutes of 1989, provided that the criteria are approved by

1 resolution at the time the resolution adopting the framework for  
2 the current adoption is approved, or at least 30 months prior to the  
3 date that the materials are to be approved for adoption.

4 (d) If basic instructional materials are rejected, the state board  
5 shall provide a specific, written explanation of the reasons why  
6 the submitted materials were not adopted, based upon one or more  
7 of the criteria established under subdivision (c). In providing this  
8 explanation, the state board may use, in whole or in part, materials  
9 written by the commission or any other advisers to the state board.

10 (e) The state board may adopt fewer than five basic instructional  
11 materials in each subject area for each grade level if either of the  
12 following occurs:

13 (1) Fewer than five basic instructional materials are submitted.

14 (2) The state board specifically finds that fewer than five basic  
15 instructional materials meet the criteria prescribed by paragraphs  
16 (1) to (5), inclusive, of subdivision (c), or the materials fail to meet  
17 the state board's adopted curriculum framework. If the state board  
18 adopts fewer than five basic instructional materials in any subject  
19 for any grade level, the state board shall conduct a review of the  
20 degree to which the criteria and procedures used to evaluate the  
21 submitted materials for that adoption were consistent with the state  
22 board's adopted curriculum framework.

23 (f) This section does not limit the authority of the state board  
24 to adopt materials that are not basic instructional materials.

25 (g) If a district board establishes to the satisfaction of the state  
26 board that the state-adopted instructional materials do not promote  
27 the maximum efficiency of pupil learning in the district, the state  
28 board shall authorize that district governing board to use its  
29 instructional materials allowances to purchase materials as  
30 specified by the state board, in accordance with standards and  
31 procedures established by the state board.

32 (h) Consistent with the quality criteria for the state board's  
33 adopted curriculum framework, the state board shall prescribe  
34 procedures to provide the most open and flexible materials  
35 submission system and ensure that the adopted materials in each  
36 subject, taken as a whole, provide for the educational needs of the  
37 diverse pupil populations in the public schools, provide collections  
38 of instructional materials that illustrate diverse points of view,  
39 represent cultural pluralism, and provide a broad spectrum of

1 knowledge, information, and technology-based materials to meet  
2 the goals of the program and the needs of pupils.

3 (i) Upon making an adoption, the state board shall make  
4 available to listed publishers and manufacturers and all school  
5 interests a listing of instructional materials, including the most  
6 current unit cost of those materials as computed pursuant to existing  
7 law. Items placed upon lists shall remain thereon, and be available  
8 for procurement through the state's systems of financing, from the  
9 date of the adoption of the item and until a date established by the  
10 state board. The date established by the board for continuing items  
11 on that list shall be the date on which the state board adopts  
12 instructional materials based upon a new or revised curriculum  
13 framework. Lists of adopted materials shall be made available by  
14 subject and grade level. The lists shall terminate and shall no longer  
15 be effective on the date prescribed by the state board pursuant to  
16 this subdivision.

17 (j) The state board may approve multiple lists of instructional  
18 materials, without designating a grade or subject, and the state  
19 board may designate more than one grade or subject whenever it  
20 determines that a single subject designation or a single grade  
21 designation would not promote the maximum efficiency of pupil  
22 learning. Any materials so designated may be placed on single  
23 grade or single subject lists, or multigrade or interdisciplinary lists,  
24 or may be placed on separate lists including other materials with  
25 similar grade or subject designations.

26 (k) A composite listing in the format of an order form may be  
27 used to meet the requirements of this section.

28 (l) The lists maintained pursuant to this section shall not be  
29 deemed to control the use period by any school district.

30 (m) The state board shall give publishers the opportunity to  
31 modify instructional materials, in a manner provided for in  
32 regulations adopted by the state board, if the state board finds that  
33 the instructional materials do not comply with paragraph (5) of  
34 subdivision (c).

35 (n) This section does not prohibit the publisher of instructional  
36 materials from including whatever corporate name or logo on the  
37 instructional materials that is necessary to provide basic  
38 information about the publisher, to protect its copyright, or to  
39 identify third-party sources of content.

- 1     (o) The state board may adopt regulations that provide for other
- 2     exceptions to this section, as determined by the board.
- 3     (p) The Superintendent shall develop, and the state board shall
- 4     adopt, guidelines to implement this section.

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